

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

LEON ROBINSON,

Plaintiff,

V.

THOMAS MENINO et al.,

Defendants.

CIVIL ACTION
NO. 04-11023-RCL

**AFFIDAVIT OF BRANDON L. BIGELOW
FILED IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT BY
DEFENDANTS AMERICAN BROADCASTING COMPANIES, INC.
AND HEARST-ARGYLE TELEVISION, INC.**

I, Brandon L. Bigelow, hereby depose and state as follows:

1. I am an associate at Bingham McCutchen LLP, 150 Federal Street, Boston, and together with Jonathan M. Albano, represent the defendants American Broadcasting Companies, Inc. (“ABC”) and Hearst-Argyle Television, Inc. (“Hearst”) in the above-captioned matter.

2. Attached hereto as Exhibit A is a true and accurate copy of the Memorandum, Findings and Orders on Defendant's Motions to Suppress Evidence entered on January 21, 2004 in *Commonwealth v. Leon Robinson*, Suffolk County Superior Ct., Crim. Action No. 01-10384.

3. Attached hereto as Exhibit B are true and accurate copies of the Verdict Slips in *Commonwealth v. Leon Robinson*, Suffolk County Superior Ct., Crim. Action No. 01-10384.

4. Attached hereto as Exhibit C is a true and accurate copy of the Suffolk County Superior Court Criminal Docket in *Commonwealth v. Leon Robinson*, Suffolk County Superior Ct., Crim. Action No. 01-10384.

5. Attached hereto as Exhibit D is a true and accurate copy of a subpoena issued by the plaintiff, Leon Robinson (“Robinson”), to ABC on December 5, 2003 in connection with *Commonwealth v. Leon Robinson*, Suffolk County Superior Ct., Crim. Action No. 01-10384.

6. Attached hereto as Exhibit E is a true and accurate copy of the Response of Non-Party American Broadcasting Companies, Inc. to Defendant's Subpoena, filed in connection with *Commonwealth v. Leon Robinson*, Suffolk County Superior Ct., Crim. Action No. 01-10384 on December 19, 2003.

7. Attached hereto as Exhibit F is a true and accurate copy of a subpoena issued by Robinson to ABC on February 15, 2005 in connection with *Commonwealth v. Leon Robinson*, Suffolk County Superior Ct., Crim. Action No. 01-10384.

8. Attached hereto as Exhibit G is a true and accurate copy of the Affidavit of Terence Wrong in Response to Subpoena of American Broadcast Systems, Inc, filed in connection with *Commonwealth v. Leon Robinson*, Suffolk County Superior Ct., Crim. Action No. 01-10384 on February 22, 2005.

9. Attached hereto as Exhibit H is a true and accurate copy of a subpoena issued by Robinson to Dennis McCarthy on February 15, 2005 in connection with *Commonwealth v. Leon Robinson*, Suffolk County Superior Ct., Crim. Action No. 01-10384.

10. Attached hereto as Exhibit I is a true and accurate copy of excerpts from the transcript of testimony given by McCarthy at a preliminary hearing held on March 3, 2005 in connection with *Commonwealth v. Leon Robinson*, Suffolk County Superior Ct., Crim. Action No. 01-10384.

Respectfully submitted,

**AMERICAN BROADCASTING COMPANIES,
INC. and HEARST-ARGYLE TELEVISION,
INC. d/b/a WCVB-TV CHANNEL 5,**

By their attorneys,

/s/ Brandon L. Bigelow

Jonathan M. Albano, BBO# 013850

Brandon L. Bigelow, BBO # 651143

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New York, NY 10023-6298

(212) 456-7777

Dated: September 19, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the plaintiff Leon Robinson (A-225594), Souza-Baranowski Correctional Center, P.O. Box 8000, Shirley, MA 01464 by Federal Express and on counsel of record for the defendants by first class mail and electronically via the ECF/CM on September 19, 2005.

/s/ Brandon L. Bigelow

Brandon L. Bigelow